

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD MESSINA,)	
)	
Petitioner,)	
)	
vs.)	Case No. 07-946
)	
JAMES WYNDER, et al.,)	
)	
Respondents.)	

ORDER

AND NOW, this 20th day of November, 2007,

IT IS HEREBY ORDERED that the Motion to Set Aside Default filed on behalf of Respondents (Docket No. 35) is granted because “the failure to respond to claims raised in a petition for habeas corpus does not entitle the petitioner to a default judgment.” Gordon v. Duran, 895 F.2d 610, 612 (9th Cir. 1990).

s/Robert C. Mitchell
United States Magistrate Judge

cc: Donald Messina
GG-0082
SCI Dallas
1000 Follies Road
Dallas, PA 18612-0286